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MEMORANDUM FOR WILLIAM H. ITOH  
EXECUTIVE SECRETARY  
NATIONAL SECURITY COUNCIL

Subject: Rwanda: Repatriation Policy Paper

Attached please find the Department of State's Action Plan for Voluntary Repatriation of Rwandan Refugees. The paper has been cleared by the Office of the Secretary and the Joint Chiefs of Staff, Department of Defense; the Central Intelligence Agency; and the Agency for International Development. Many of the actions are underway or completed.

This paper should be viewed as an overall framework, providing general guidelines on how the USG should proceed vis a vis our objective of seeing voluntary repatriation. Clearly, evolving events will require modifications in the strategy as we seek to implement the specific outlined actions.

We intend to share the elements of this action plan with both the U.N. High Commissioner for Refugees and the U.N. Department of Humanitarian Affairs.

The inter-agency clearance process evoked great interest in the repatriation plan and elicited differences of opinion with regard to the fundamental issue of whether or not the USG should more actively encourage refugees to return to Rwanda. Some believe that the USG should aggressively help the new government to broadcast the message of reconciliation and correspondingly should be involved now in PSYOPS campaigns in pressing the refugees to return. The prevailing view, however, is that given uncertainties about the new government's behavior, reports of reprisals against some returnees, and the deep divisions among Hutus and Tutsis, the USG should do all it can to promote reconciliation and help to ensure that those political conditions are created which are requisite to voluntary repatriation. Active encouragement of refugees to return should be pursued by the USG only as security improves and confidence building measures are put in place.

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UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: CHARLES L DARIS  
DATE/CASE ID: 14 MAY 2007 200103014

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Strong difference of opinion also exists regarding the issue of whether to explore with the new Rwandan government, either now or at some point in the future, the possibility of some form of amnesty (as is standard in refugee repatriations around the world) that would promote repatriation without undermining the principle of accountability or allowing those in leadership positions to go unpunished for the recent killings. The prevailing view, is that the USG should not endorse any type of amnesty for Rwandans at this time.

Thank you for your assistance.

Max Robinson  
Acting Executive Secretary

Attachment: as stated

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ACTION PLAN FOR VOLUNTARY REPATRIATION OF RWANDAN REFUGEES

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## I. USG Policy on Rwandan Repatriation

- The early return of the refugees to their places of origin is the most sustainable response to their plight. However, repatriation must be voluntary. No refugee should be forcibly returned to a place where s/he has a well-founded fear of persecution. The choice to return is made by the refugees themselves.
- All of our actions should be coordinated with the United Nations High Commissioner for Refugees (UNHCR) and like-minded members of the international community. Our mission in Geneva advises that UNHCR's Plan of Action for Repatriation should be available the week of 8/15. Logistical concerns should not be allowed to take higher priority than concerns over physical and legal protection.
- Full conflict resolution is not necessarily a pre-requisite for effecting a voluntary repatriation program. Repatriation could become itself an essential part of the process of national reconciliation and peace, rather than simply a result of it. As confidence building measures are put in place inside Rwanda and as security improves, the USG will seek to more actively encourage refugee return. In the interim, the focus should be on creating the political conditions requisite for voluntary repatriation.
- The U.S. must continue to act to address the urgent life-saving needs in Zaire and other refugee-hosting nations while planning continues for repatriation.

## II. Context for Repatriation

Creating a context for voluntary repatriation (and for the return of the internally displaced to their homes) requires action on several fronts -- building confidence/a sense of security (among the refugees/displaced and within the new government), being ready with a material capacity to assist return movements, and taking action to prevent disinformation being spread by former government leaders in the refugee camps.

Refugees will choose to go home when they believe that they will be secure in Rwanda. They did not flee their country because they were hungry; nor will they return because an international relief effort might provide food and other aid to them in Rwanda. Most in Zaire are still too fearful and/or weak to return to Rwanda. Refugees not only fear retribution/revenge from the RPF but also fear getting caught in the cross-fire between any future RPF and defeated Rwandan troop conflict.

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Actions should be taken with a view to promoting national reconciliation, including accountability, and avoiding the creation of cleavages or worsening of existing ones.

### III. Benchmarks for Encouraging Repatriation

All actions suggested in part IV of this paper should be pursued. However, the USG should proceed cautiously in actively promoting repatriation (through radio announcements, PSYOPS campaigns, public announcements) beyond general statements of support for repatriation until such time as there are better indicators that refugees can return or are returning in safety. Examples of such benchmarks are:

- UNAMIR is deploying in key refugee return areas in Rwanda.
- French forces are effectively replaced by UNAMIR troops.
- Reports of retribution of returnees and/or other Hutus become isolated events.
- The movement of Rwandans leaving Rwanda largely ceases.
- Sufficient human rights monitors are deployed throughout Rwanda.
- UNHCR more actively encourages repatriation--beyond general support for repatriation as is now currently the case.

### IV. Specific Actions

#### A. Military/Peacekeeping

- \* Fully deploying UNAMIR to enable the U.N. force to show a deterrent presence throughout the country. Joint UNAMIR-RPF patrols have been suggested. Joint patrols can cut both ways in terms of giving civilians a sense of security depending on their relative fear of the RPF.

ACTION UNDERWAY: DOS and DOD continue robust efforts to stand up a full strength UNAMIR.

- \* Disarmament and demobilization of rump FAR forces and Interahamwe militia, both inside Rwanda and in Zaire and Tanzania. Outside Rwanda, this would also involve enhancing the ability of the GOZ and GOT to take forceful measures. Such actions inside Rwanda by UNAMIR could require a change in its mandate and place such forces in a non-neutral position.

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**ACTION:** Vice President Gore to call King Hassan of Morocco re: provision of troops for refugee protection in Zaire. DOS to make demarches and to review whether there is any useful, advisable way, under existing DOS appropriations for foreign or security assistance, that we could help Zairois and Tanzanian forces.

A number of potentially very knotty issues need further study and resolution. For example: Who currently owns the weapons? Whoever holds them? The "new" government of Rwanda? The governments of Zaire and/or Tanzania? Who would authorize the confiscation and/or destruction of the weapons? The government of Zaire? The UN? The USG? Under what authority? Who would pay for a "buyback", or destruction? The U.S.? the UN? Who would carry out the confiscation/destruction? Zairian troops? Moroccan troops? Some other party? What if those holding the arms refuse to cooperate, either benignly or violently? Is force to be used? Under what authority?

**B. Human Rights**

- \* Establish credible national and international systems for identifying, apprehending, trying, and punishing those guilty of genocide. This would certainly enhance the RPF's confidence in the international community's commitment to justice and to protection of the Tutsi minority and might undercut the potential for summary justice. It might equally strike fear in the Hutus which could become an obstacle to repatriation.

**ACTION:** DOS to redouble efforts on UNSCR authority for detention and arrest of those responsible for genocide in advance of the actual establishment of a war crimes tribunal. Such authority would not be translated into consideration for U.S. troops involved in humanitarian operations to become involved in detention of suspected individuals or groups. A/S Shattuck will make recommendations on his return from the region on expanded UNSC resolution. Government of Rwanda officials confirmed to Shattuck that they would observe due process and abide by the spirit and letter of the Universal Declaration of Human Rights, and that they support the creation of an international war crimes tribunal. Shattuck carried message to RPF that the international community is working to set up swiftly a war crimes tribunal, which is an essential element in achieving accountability, justice and national reconciliation.

- \* Urgently field enough human rights monitors so that the entire country can be covered. As is to be done in Burundi, the U.N. Volunteer (UNV) program might be called upon to quickly field staff.

ACTION: DOS to discuss with both the U.N. Human Rights Commission and the new special Commission of Experts. AID/OTI to provide funding for some monitors.

- \* Prevail upon the RPF to smartly and publicly discipline those who may have been guilty of exacting summary justice.

ACTION: Amb. Rawson to make the case in Rwanda with parallel demarches to RPF representatives in Washington, New York, and European capitals.

- \* Facilitate, as needed, ICRC - RPF contacts with the objective of training the armed elements in the proper treatment of non-combatants in times of conflict.

ACTION: DOS

C. Political

- \* Review whether the continued existence of the French zone makes sense in terms of creating confidence. On the one hand, it is thought to have kept the bulk -- but certainly not all -- of those displaced who fled the RPF advance from moving into Zaire. There are fears that a French withdrawal would precipitate a new massive outflow to Zaire. On the other hand, there could be great suspicion about who continues to need special protection and why. The possibility of refugees moving from Zaire to a kind of intermediate zone leads to the problem of simply exchanging refugee status for displaced person status.

ACTION: Amb. Rawson to discuss in Kigali with Dallaire, SRSG Khan, the French, UNHCR, ICRC, and other relief entities with a feel for the situation; advise Washington of suggested action, if any.

- \* The issue of recognition of the new Rwandan government is behind us. On the assumptions that the recognition will have (a) boosted the confidence of the Tutsis that the world is now prepared to protect their interests, (b) enhanced their willingness to allow the return of far superior numbers of Hutus, and (c) increased our leverage in demanding that the new government perform well with respect to basic human rights, we should be alert to how we

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can use that leverage to create a sense of security. We must also be alert to the possible negative perceptions of the rump FAR forces in Zaire and the possibility of hostile action against our nationals.

ACTION: Exercise leverage.

- \* Convince the RPF to take an active role in disbanding displaced person camps, particularly those of the "strategic hamlet" variety that it has set up in eastern Rwanda.

ACTION: Amb. Rawson to make the case. As with the issue of a possible amnesty, engage RPF confidants to carry the same message.

- \* Impress upon the RPF the necessity of taking -- and publicizing -- steps to protect access of the refugees and displaced persons to lands and properties that they left behind. Land questions should be dealt with promptly, fairly, and transparently. The recent reported evictions of returnees who were squatters in abandoned homes in Kigali were hopefully done in that spirit.

ACTION: Amb. Rawson to make the case in Rwanda with parallel demarches to RPF representatives in Washington, New York, and European capitals.

- \* Press the RPF to take a generally less controlling approach to the NGO community on such issues as project and staffing approvals, freedom of travel. This might lead to increased funding and would certainly enable the NGOs to be better advocates about the sincerity of the RPF with respect to returning refugees and displaced persons.

ACTION: Message to be delivered by DOS and USAID in Washington and the field.

- \* Put in place regional agreements (or a series of bilateral agreements) that will allow for the voluntary return and accommodation inside Rwanda of the "old" refugee population of which the RPF had been a champion. This amounts to a re-activation of the UNHCR regional plan of action as prescribed by the Dar Declaration of 1991.

ACTION: DOS to press UNHCR in concert with regional demarches.

- \* Disseminate a positive message to refugees and displaced persons about the possibilities of voluntary return. The substance of the message would need to be worked out with the RPF (to assure that guarantees would be respected) and

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with UNHCR. All RPF representatives around the world would need to both hear for their own education and to disseminate the same positive messages. A public affairs component of UNAMIR, UNESCO-assisted broadcasts to refugees, U.S. psyops messages to refugees, and USIA (and other international) broadcasts should carry a coordinated message. The text of the UNHCR pronouncement of 7/26 regarding voluntary repatriation should be part of a series of positive messages.

ACTION: DOS, DOD and USIA--once benchmarks have been met and UNHCR concurs.

- \* Explore with UNHCR ways in which USG might be helpful in assisting selected refugee leaders to return to Rwanda to check out the situation and then return to the camps to talk to others.

ACTION: DOS with UNHCR.

- \* Begin organized voluntary repatriation movements with the 18,000 Tutsi Rwandan refugees who fled to Zaire during the initial wave of violence and whose security is now threatened, according to UNHCR, by the still armed Hutu soldiers/militia. Those Tutsi refugees in Tanzania could also be moved as part of the first movements. While such a move would make sense from a refugee protection standpoint, it must be handled very carefully to avoid creating the impression that Hutu refugees would not also be safe or that Tutsis are somehow being favored by the new government and by the international community.

ACTION: DOS to discuss with UNHCR.

- \* Maintain open borders in both directions so that there is no suggestion that would-be refugees are trapped inside Rwanda or that would-be returnees are being prevented from doing so by political/military forces.

ACTION: DOS to demarche Zaire, Tanzania, Burundi, and Uganda, as well as having Amb. Rawson raise this issue with the RPF.

- \* Integrate former Rwandan military into a new national military force.

ACTION: DOS, bilaterally and through the U.N., to actively promote with the new government those portions of the Arusha Accords dealing with integration of ex-FAR forces into the current ex-RPF army to form a national military force.

- \* Form a government of national unity.

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ACTION: DOS to continue to urge the new government to include significant numbers of moderate Hutus to build the case that the Rwandan government and military are representative of the whole nation.

D. Material Assistance

Background

UNHCR has already issued a basic outline of the material assistance for seven way stations linking Goma to Kigali that will be required to support spontaneous return movements. Its overall repatriation plan is expected to be unveiled the week of 8/15 in Geneva.

In addition to UNHCR, the ICRC, WFP, UNICEF, IOM, World Vision, CARE, International Rescue Committee, Medecins sans Frontieres, Samaritan's Purse, and DOD have already signalled their intentions to work in a returnee program. The UK military has offered to set up way stations for returnees as part of strengthening UNAMIR. UNDP is looking for UNV staffers to restart a program in the health sector. And the European Community has expressed initial interest in funding repair of basic infrastructure in the context of facilitating refugee return.

- \* Preposition food and non-food items such as household tools, blankets, and WHO emergency health kits in Kigali for onward distribution along repatriation routes as repatriation picks up.

ONGOING ACTION: U.S. military is assisting with airlift.

- \* Provide logistics assistance to UNHCR, WFP and NGOs building and operating way stations by delivering relief supplies to way stations.

ACTION: Should NGOs be unable to fulfill their plans to deliver relief supplies to way stations, DOD could temporarily do so as a stop-gap measure, in support of repatriation in conjunction with "Phase II" of operations in Rwanda.

- \* Explore presence of mines in Rwanda and need for demining as related to repatriation/reintegration.

ACTION: DOS and DOD

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**E. USG Coordination**

Establish an inter-agency working group to followup on the specifics of the repatriation plan.

**ACTION:** To be established and chaired by DOS.

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